

(2) MEMORANDUM OF AGREEMENT.—If the findings of the environmental assessment indicate that action is required under applicable Environmental Authorities with respect to any portion of the Center, the Forest Service and the U.S. Fish and Wildlife Service shall enter into a memorandum of agreement that—

(A) provides for the performance by the U.S. Fish and Wildlife Service of the required actions identified in the environmental assessment; and

(B) includes a schedule for the timely completion of the required actions to be taken as agreed to by U.S. Fish and Wildlife Service and Forest Service.

(c) DOCUMENTATION OF ACTIONS.—After a mutually agreeable amount of time following completion of the environmental assessment, but not exceeding 180 days from such completion, the U.S. Fish and Wildlife Service shall provide the Forest Service and the Office of Job Corps, Employment and Training Administration, Department of Labor, with documentation demonstrating that all actions required under applicable Environmental Authorities have been taken that are necessary to protect human health and the environment with respect to any hazardous substance, pollutant, contaminant, hazardous waste, hazardous material, or petroleum product or derivative of a petroleum product on the Center.

(d) CONTINUATION OF RESPONSIBILITIES AND LIABILITIES.—

(1) IN GENERAL.—The transfer of the Center and the requirements of this section shall not in any way affect the responsibilities and liabilities of the U.S. Fish and Wildlife Service at the Center under any applicable Environmental Authorities.

(2) ACCESS.—At all times after the date of enactment of this Act, the U.S. Fish and Wildlife Service and its agents shall be accorded any access to the Center that may be reasonably required to carry out the responsibility or satisfy the liability referred to in paragraph (1).

(3) NO LIABILITY.—The Forest Service shall not be liable under any applicable Environmental Authorities for matters that are related directly or indirectly to activities of the U.S. Fish and Wildlife Service or the Department of Labor on the Center occurring on or before the date of enactment of this Act, including liability for—

(A) costs or performance of response actions required under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601, et seq.) at or related to the Center; or

(B) costs, penalties, fines, or performance of actions related to noncompliance with applicable Environmental Authorities at or related to the Center or related to the presence, release, or threat of release of any hazardous substance, pollutant, or contaminant, hazardous waste, hazardous material, or petroleum product or derivative of a petroleum product of any kind at or related to the Center, including contamination resulting from migration.

(4) NO EFFECT ON RESPONSIBILITIES OR LIABILITIES.—Except as provided in paragraph (3), nothing in this title affects, modifies, amends, repeals, alters, limits or otherwise changes, directly or indirectly, the responsibilities or liabilities under applicable Environmental Authorities with respect to the Forest Service after the date of enactment of this Act.

(e) OTHER FEDERAL AGENCIES.—Subject to the other provisions of this section, a Federal agency that carried or carries out operations at the Center resulting in the violation of an environmental authority shall be responsible for all costs associated with corrective actions and subsequent remediation.

## SEC. 5. PERSONNEL.

(a) IN GENERAL.—

(1) EMPLOYMENT.—Notwithstanding section 3503 of title 5, United States Code, the Forest Service will accept the transfer of eligible employees at their current pay and grade levels to administer the Center as of the date of enactment of this Act.

(b) TRANSFER-APPOINTMENT IN THE FOREST SERVICE.—Eligible employees will transfer, without a break in Federal service and without competition, from the Department of the Interior, U.S. Fish and Wildlife Service, to the Department of Agriculture, Forest Service, upon an agreed date by both agencies.

(c) EMPLOYEE BENEFIT TRANSITION.—Employees of the U.S. Fish and Wildlife Service who transfer to the Forest Service—

(1) shall retain all benefits and/or eligibility for benefits of Federal employment without interruption in coverage or reduction in coverage, including those pertaining to any retirement, Thrift Savings Plan (TSP), Federal Employee Health Benefit (FEHB), Federal Employee Group Life Insurance (FEGLI), leave, or other employee benefits;

(2) shall retain their existing status with respect to the Civil Service Retirement System (CSRS) or the Federal Employees Retirement System (FERS);

(3) shall be entitled to carry over any leave time accumulated during their Federal Government employment;

(4) shall retain their existing level of competitive employment status and tenure; and

(5) shall retain their existing GM, GS, or WG grade level and pay.

## SEC. 6. IMPLEMENTATION COSTS AND APPROPRIATIONS.

(a) The U.S. Fish and Wildlife Service and the Forest Service will cover their own costs in implementing this Act.

(b) There is hereby authorized to be appropriated such sums as may be necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

### GENERAL LEAVE

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Senate 1814, introduced by Senator KIT BOND of Missouri, would transfer the management of the Mingo Job Corps Civilian Conservation Center from the Department of the Interior to the Department of Agriculture. This bill was overwhelmingly adopted by the other body, and it is identical to H.R. 3433 as proposed by our distinguished colleague from Missouri (Mrs. EMERSON).

This center is located within the boundaries of the Mingo National Wildlife Refuge and it provides basic training and educational skills to hundreds of at-risk students between the ages of

16 and 24. These students can learn a variety of trades including automotive repair, bricklaying, carpentry, welding and culinary arts. In addition, they obtain critical experience, socialization skills and the confidence they will need to be successful in the workplace.

The U.S. Forest Service operates 18 Job Corps Centers throughout the United States, and they have signed a memorandum of understanding with the U.S. Fish and Wildlife Service which transfers to them responsibility for the operation of this center. This legislation is necessary because the National Wildlife Refuge Administration Act stipulates that the transfer cannot occur administratively. Both agencies strongly support this realignment.

This is a good bill. The Job Corps Center is important to the economy of southeast Missouri, and it will ensure a bright future for hundreds of young men and women. I compliment the sponsors of this measure and urge an "aye" vote on Senate 1814.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, we have no objection to the consideration of this legislation. We believe it will not harm the integrity of the Mingo National Wildlife Refuge.

Mr. Speaker, I yield back the balance of my time.

Mr. GIBBONS. Mr. Speaker, I urge the adoption of the measure.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the Senate bill, S. 1814.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. GIBBONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## CONGRATULATING AMERICAN DENTAL ASSOCIATION FOR SPONSORING SECOND ANNUAL "GIVE KIDS A SMILE" PROGRAM

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 567) congratulating the American Dental Association for sponsoring the second annual "Give Kids a Smile" program which emphasizes the need to improve access to dental care for children, and thanking dentists for volunteering their time to help provided needed dental care.

The Clerk read as follows:

H. RES. 567

Whereas access to dental care for children is a vital element of overall health care and development;

Whereas dental caries—more commonly known as tooth decay—is the most common chronic childhood disease;

Whereas untreated tooth decay in children results in thousands of children experiencing poor eating and sleeping patterns, suffering decreased attention spans at school, and being unable to smile;

Whereas due to a confluence of factors, children eligible for Medicaid and the State Children's Health Insurance Program are three to five times more likely than other children to experience and suffer from untreated tooth decay;

Whereas dentists provide an estimated \$1.7 billion annually in non-reimbursed dental care;

Whereas the participation of dentists in the second annual "Give Kids a Smile" program, established and sponsored by the American Dental Association and held this year on February 6, 2004, serves to remind people in the United States about the need to end untreated childhood dental disease;

Whereas the generous support of numerous corporations, such as Crest Healthy Smiles 2010, Sullivan-Schein Dental, DEXIS Digital X-ray Systems, and Ivoclar Vivadent Inc., helped make this year's "Give Kids a Smile" program a success; and

Whereas more than 37,000 volunteers, including more than 15,000 dentists, provided free education, screening, and care services to an estimated one million children at more than 2,500 sites in all 50 States and the District of Columbia during this year's "Give Kids a Smile" program: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) congratulates the American Dental Association for establishing and continuing its sponsorship of the "Give Kids a Smile" program;

(2) emphasizes the need to improve access to dental care for children;

(3) thanks the thousands of dentists, dental hygienists, dental assistants, and others who volunteered their time to bring a smile to the faces of an estimated one million children as part of the "Give Kids a Smile" program; and

(4) thanks Crest Healthy Smiles 2010, Sullivan-Schein Dental, DEXIS Digital X-ray Systems, and Ivoclar Vivadent Inc. for their generous support which helped make this year's "Give Kids a Smile" program a success.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. BILIRAKIS) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. BILIRAKIS).

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H. Res. 567, introduced by the distinguished gen-

tleman from Virginia (Mr. CANTOR). The resolution congratulates the American Dental Association for establishing the "Give Kids a Smile" program and thanks the thousands of dentists who volunteered their time to treat an estimated 1 million children on February 21 of last year, 2003.

Giving children access to dental care is crucial. Dental decay is one of the most common chronic infectious diseases among U.S. children. This preventable health problem begins early, and among low-income children, almost 50 percent of tooth decay remains untreated and may result in pain, dysfunction, underweight and poor appearance, problems that can greatly reduce a child's capacity to succeed in the educational environment.

The "Give Kids a Smile" program provides a much-needed service to our community by emphasizing the need to improve access to dental care for children. The program began in 2002 by a group of dentists in the Greater St. Louis Dental Society. Since then the program has grown, and in 2004 events took place at approximately 2,500 locations across the Nation, with about 36,000 dental team volunteers, including over 14,000 dentists, to provide free services to underserved children. The ADA has been crucial in implementing and expanding this program, and they deserve to be commended for their efforts.

Mr. Speaker, I urge my colleagues to support this piece of legislation.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, I rise in support of this resolution which congratulates the American Dental Association for sponsoring the "Give Kids a Smile" program.

I want to say that the participation of dentists in the second annual "Give Kids a Smile" program, which was established and sponsored by them, the American Dental Association, and held this year on February 6, 2004, serves as a reminder to people in the United States about the need to end untreated childhood dental disease and, in doing so, also prevent adult dental disease.

This activity was participated in by more than 37,000 volunteers, including more than 15,000 dentists who provided free education, screening and care services to an estimated 1 million children. We want to thank the American Dental Association for doing this and thank the National Dental Association for their support.

This bill was favorably reported by the Committee on Energy and Commerce last week by a voice vote.

Mr. BURTON of Indiana. Mr. Speaker, while I support the goals of the "Give Kids a Smile" program, and I commend the American Dental Association for establishing and continuing its

sponsorship of the "Give Kids a Smile" program, and thank the thousands of dentists, dental hygienists, dental assistants, and others who volunteered their time to this program, I remain deeply concerned about the dental profession's continued reliance on mercury-containing dental amalgams.

The amalgam fillings the American Dental Association so wrongly calls "silver" are mainly mercury, not silver at all. Mercury is the single largest ingredient in each filling, representing about 45 to 50 percent of the mercury by weight, or about one-half a gram per filling. That is a colossal amount of mercury in scientific terms—as much as is in an old fashioned thermometer. For example, a young child with six amalgam fillings has the equivalent of six mercury thermometers worth of mercury in their mouth.

No one has ever identified a positive health benefit to mercury in the human body. Thus, it was sound public health policy to eliminate mercury from thermometers, blood pressure gauges, light switches, cosmetics, teething powder, horse liniment, hat-making materials, smokestack emission, and mining operations. In fact, virtually ever industry has either reduced or banned the use of mercury, with the exception of dentistry.

I have repeatedly called upon the dental establishment to ban the use of this highly toxic substance but regrettably, the dental establishment continues to hold to the scientific fiction that a material that is hazardous before it goes into the mouth, and hazardous after it comes back out of the mouth, is somehow perfectly safe while contained in the mouth, and they have repeatedly attempted to block every effort to ban mercury-amalgams.

According to the resolution, one of the underlying reasons behind the "Give Kids a Smile" program is that access to dental care for children is a vital element of overall health care and development. Yet, the developing neurological systems of fetuses and young children are especially susceptible to damage by even the slightest trace amounts of mercury. And an increasing body of scientific evidence points to mercury toxicity as a source of neurological problems including, but not limited to, modest declines in intelligence quotient (IQ), tremors, attention deficit disorder (ADD), attention deficit hyperactivity disorder (ADHD), Alzheimer's disease and autism.

I hope that one day soon, the American Dental Association will truly live up to the promise and intent of the "Give Kids a Smile" program and stop using mercury-based amalgam fillings for good.

Mr. CANTOR. Mr. Speaker, I rise today to recognize the Nation's dentists who provide free oral health care services to thousands of low-income children across the country. One day each year dentists take time out of their busy schedules and away from their practices to provide important dental care to children who do not have access to that kind of care.

I have seen first-hand the tremendous generosity of dentists and the excitement of the children when Give Kids A Smile day came to Richmond, VA. A local museum was turned into a full-service dentists' office, with children being provided much-needed dental work. The children were excited, and I think the dentists and dental hygienists got an ever bigger kick out of it.

Mr. Speaker, I am pleased that this resolution has come to the floor today, as over

40,000 members of the American Dental Association are together this week at their annual session. I know they must take pride in their generosity and knowing that they have provided so many children with access to important dental care that they otherwise would not receive. I am pleased that Give Kids A Smile day will keep kids smiling.

Mrs. CHRISTENSEN. Mr. Speaker, I yield back the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and agree to the resolution, H. Res. 567.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. BILIRAKIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### SOUTHERN UTE AND COLORADO INTERGOVERNMENTAL AGREEMENT IMPLEMENTATION ACT OF 2003

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 551) to provide for the implementation of air quality programs developed in accordance with an Intergovernmental Agreement between the Southern Ute Indian Tribe and the State of Colorado concerning Air Quality Control on the Southern Ute Indian Reservation, and for other purposes.

The Clerk read as follows:

S. 551

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Southern Ute and Colorado Intergovernmental Agreement Implementation Act of 2003".

#### SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress, after review and in recognition of the purposes and uniqueness of the Intergovernmental Agreement between the Southern Ute Indian Tribe and the State of Colorado, finds that—

(1) the Intergovernmental Agreement is consistent with the special legal relationship between Federal Government and the Tribe; and

(2) air quality programs developed in accordance with the Intergovernmental Agreement and submitted by the Tribe for approval by the Administrator may be implemented in a manner that is consistent with the Clean Air Act (42 U.S.C. 7401 et seq.).

(b) PURPOSE.—The purpose of this Act is to provide for the implementation and enforcement of air quality control programs under the Clean Air Act (42 U.S.C. 7401 et seq.) and other air quality programs developed in accordance with the Intergovernmental Agreement that provide for—

(1) the regulation of air quality within the exterior boundaries of the Reservation; and

(2) the establishment of a Southern Ute Indian Tribe/State of Colorado Environmental Commission.

#### SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) COMMISSION.—The term "Commission" means the Southern Ute Indian Tribe/State of Colorado Environmental Commission established by the State and the Tribe in accordance with the Intergovernmental Agreement.

(3) INTERGOVERNMENTAL AGREEMENT.—The term "Intergovernmental Agreement" means the agreement entered into by the Tribe and the State on December 13, 1999.

(4) RESERVATION.—The term "Reservation" means the Southern Ute Indian Reservation.

(5) STATE.—The term "State" means the State of Colorado.

(6) TRIBE.—The term "Tribe" means the Southern Ute Indian Tribe.

#### SEC. 4. TRIBAL AUTHORITY.

(a) AIR PROGRAM APPLICATIONS.—

(1) IN GENERAL.—The Administrator is authorized to treat the Tribe as a State for the purpose of any air program applications submitted to the Administrator by the Tribe under section 301(d) of the Clean Air Act (42 U.S.C. 7601(d)) to carry out, in a manner consistent with the Clean Air Act (42 U.S.C. 7401 et seq.), the Intergovernmental Agreement.

(2) APPLICABILITY.—If the Administrator approves an air program application of the Tribe, the approved program shall be applicable to all air resources within the exterior boundaries of the Reservation.

(b) TERMINATION.—If the Tribe or the State terminates the Intergovernmental Agreement, the Administrator shall promptly take appropriate administrative action to withdraw treatment of the Tribe as a State for the purpose described in subsection (a)(1).

#### SEC. 5. CIVIL ENFORCEMENT.

(a) IN GENERAL.—If any person fails to comply with a final civil order of the Tribe or the Commission made in accordance with the Clean Air Act (42 U.S.C. 7401 et seq.) or any other air quality program established under the Intergovernmental Agreement, the Tribe or the Commission, as appropriate, may bring a civil action for declaratory or injunctive relief, or for other orders in aid of enforcement, in the United States District Court for the District of Colorado.

(b) NO EFFECT ON RIGHTS OR AUTHORITY.—Nothing in this Act alters, amends, or modifies any right or authority of any person (as defined in section 302(e) of the Clean Air Act (42 U.S.C. 7601(e))) to bring a civil action under section 304 of the Clean Air Act (42 U.S.C. 7603).

#### SEC. 6. JUDICIAL REVIEW.

Any decision by the Commission that would be subject to appellate review if it were made by the Administrator—

(1) shall be subject to appellate review by the United States Court of Appeals for the Tenth Circuit; and

(2) may be reviewed by the Court of Appeals applying the same standard that would be applicable to a decision of the Administrator.

#### SEC. 7. DISCLAIMER.

Nothing in this Act—

(1) modifies any provision of—

(A) the Clean Air Act (42 U.S.C. 7401 et seq.);

(B) Public Law 98-290 (25 U.S.C. 668 note); or

(C) any lawful administrative rule promulgated in accordance with those statutes; or

(2) affects or influences in any manner any past or prospective judicial interpretation or application of those statutes by the United States, the Tribe, the State, or any Federal, tribal, or State court.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Florida (Mr. BILIRAKIS) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. BILIRAKIS).

#### GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

The bill we are considering today, S. 551, the Southern Ute and Colorado Intergovernmental Agreement Implementation Act of 2003, provides the congressional authorization necessary to allow the Southern Ute Indian tribe and the State of Colorado to implement an important agreement to protect air quality on the Southern Ute reservation in Colorado.

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This Intergovernmental Agreement enjoys broad local and regional support. In addition, this bill authorizes the U.S. Environmental Protection Agency to recognize the Southern Ute Tribe as a State for purposes of administration of the Clean Air Act on the tribe's reservation and allows the tribe to enforce air quality programs within the borders of its reservation.

S. 551 also provides a process for the tribe and the Southern Ute/State of Colorado Environmental Commission, created by the Intergovernmental Agreement, to enforce their orders under an approved air quality program.

Mr. Speaker, I urge all Members to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of S. 551, the Southern Ute and Colorado Intergovernmental Agreement Implementation Act of 2003. This legislation is necessary to allow the Southern Ute Indian Tribe to be treated as a state for purposes of administering the Clean Air Act on the Southern Ute Indian Reservation in southwestern Colorado.

Under this bill, both Indian and non-Indian areas within the Reservation can be regulated by a single entity, a joint State/Tribal Commission, composed of three members from the tribe and three members from the State. This makes good common sense and will allow the State and the tribe to properly implement the Clean Air Act.

S. 551 will not alter anyone's duty to comply with the Act nor would it alter any rights of any citizen to bring an action to enforce the Clean Air Act. S. 551 will implement the Intergovernmental Agreement that was negotiated